



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,409	02/27/2002	Masaya Nagata	1248-0580P-SP	7393

2292 7590 06/25/2009  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
----------

SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
----------	--------------

3627

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/25/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/083,409	<b>Applicant(s)</b> NAGATA, MASAYA	
	<b>Examiner</b> Asfand M. Sheikh	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,15,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,15,30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 15, 30, and 31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,15, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szabo et al. (US 6,963,851 B1) in view of Bongers (EP 1 071 026 A2) and Suzuki et al. (JP 07-325514) (computer translation) and Seber et al. (US 6,233,410 B1).

#### Claim 1-2, 15, 30-31

Szabo discloses a service management, executed by a terminal comprising method which makes a computer execute the steps of: (see at least, abstract: the examiner notes an e-commerce site storing data representing inventory) registering data to specify a product delivered to a service receiver and expiring date data of the product (see at least, col. 2, lines 15-38: the examiner notes storing the purchase history of the items purchased and further predetermined the useful life of the product purchased and

col. 7, lines 50-col. 8, lines 7: the examiner notes expiration logic utilizing expiration data registered for products (see FIG. 9)) and calculating an account of product used out of product delivered to the service receiver in accordance with the expiration date data of the product (see at least, col. 7, lines 50-col. 8, lines 7: the examiner notes expiration logic utilizing expiration data registered for products (see FIG. 9)) and col. 11, lines 14-39) and further Szabo [claim 2] discloses comprising the step of outputting an instruction to collect an unused product-in-circulation of all products-in-circulation delivered to the service receiver, after a prescribed duration (see at least, col. 5, lines 22-26) further Szabo [claim 30-31] discloses the use of list of products that are to be changed (see at least, abstract).

Szabo fails to disclose registering unique data to specify a product-in-circulation delivered to a service receiver, **each of the delivered product-in-circulation not yet being purchased by the server receiver**; detecting use of the product-in-circulation used by a service receiver via a network; recognizing the use of the product-in-circulation as a purchase action; calculating an account of the product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver.

**Bongers disclose the delivery of a product not yet being purchased by the server receiver (see at least, [0009]).**

**It would have been obvious to one of ordinary skill in the art to modify the teachings of Szabo's product delivered to a service receiver to include the delivery of a product not yet being purchased by the server receiver as taught by**

Art Unit: 3627

**Bongers. One of ordinary skill in the art would have been motivated to combine the teachings in order to have an agreed in advance forms payment making the transactions 100% safe (see at least, Bongers, [0009]-[0010]).**

Szabo in view of Bongers fails to disclose registering unique data to specify a product-in-circulation delivered to a service receiver; detecting use of the product-in-circulation used by a service receiver via a network; recognizing the use of the product-in-circulation as a purchase action; calculating an account of the product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver.

However Suzuki discloses detecting the product-in-circulation used by a service receiver via a network (see at least, [0007]: The examiner notes collecting everything used for a copying machine (e.g. toner) and [0013]: the examiner notes a network is used for connecting the supply order accepting system to the copying machine); recognizing the use of the product-in-circulation as a purchase action and calculating an account of the product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver (see at least, [0007]: The examiner notes collecting everything used for a copying machine (e.g. toner) and [0013]: the examiner notes a network is used for connecting the supply order accepting system to the copying machine and [0017]: the examiner notes amount of orders received (e.g. total) - used (e.g. purchased)).

It would have been obvious to one of ordinary skill in the art to modify the teachings of Szabo in view of Bongers's determining the useful life of the product

Art Unit: 3627

purchased to include detecting the product-in-circulation used by a service receiver via a network and recognizing the use of the product-in-circulation as a purchase action and calculating an account of the product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver as taught by Suzuki. One of ordinary skill in the art would have been motivated to combine the teachings in order to calculate an optimum dose inventory that is used and relating it to an auto supply order system (see at least, Suzuki, [0001]).

Szabo in view of Bongers and Suzuki fails to disclose registering unique data to specify a product-in-circulation and detecting use of the unique product-in-circulation over the network.

However Seber discloses registering unique data to specify a product-in-circulation and detecting use of the unique product-in-circulation over the network (see at least, col. 7, lines 10-41).

It would have been obvious to one of ordinary skill in the art to modify the teachings of Szabo in view of Bongers and Suzuki's recognizing of product-in-circulation to include registering unique data to specify a product-in-circulation and detecting use of the unique product-in-circulation over the network as taught by Seber. One of ordinary skill in the art would have been motivated to combine the teachings in order to providing information related to status of a packaged consumable (see at least, Seber, col. 1, lines 64-67).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/  
Examiner, Art Unit 3627  
6/19/2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627